

1 Honorable Timothy W. Dore
2 Chapter 13
3 Hearing Date: August 21, 2013
4 Hearing Time: 9:30 a.m.
5 Location: Seattle
6 700 Stewart St #8106
7 Seattle, WA 98101
8

9
10 **UNITED STATES BANKRUPTCY COURT**
11 **WESTERN DISTRICT OF WASHINGTON**
12

13 IN RE: Case No. 13-14127-TWD
14 ADAM LUKE HOLLAND, WEST GREEN CHOA'S RESPONSE TO
15 Debtor MOTIONS TO DISMISS BY CHAPTER 13
16 TRUSTEE, KING COUNTY, AND
17 RESPONSE OF DEBTOR

18 West Green CHOA, through its attorney of record, Brian J. Hanis, provides the
19 following response to the motions to dismiss by the Chapter 13 Trustee and King County
20 Treasury Operations as well as the Response filed by Debtor.

21 West Green CHOA joins in agreeing with the arguments presented by both the
22 Chapter 13 Trustee and King County.

23 It is understood that debtor is now attempting to make this bankruptcy work but by
24 his own actions, he has used bankruptcy to delay creditors in the past. On page 4 of his
25 response, under legal argument (paragraph starting with "The Debtor") in the last sentence
debtor states that the sole purpose was to protect his asset. I do not see how filing then
dismissing on multiple occasions is an act to save an asset. It simply delayed foreclosure
from happening and payment of the liens on such property, causing creditors further harm.

Bankruptcy is not a tool to be used as simply file, get the foreclosure stopped, let the
case dismiss, wait, file again. It is an avenue created for those willing to follow its

Response to Motion to Dismiss - 1

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1 requirements to try and save property. Filing, dismissing, filing, dismissing, only shows
2 intent to delay. If the intention was to use bankruptcy before, he should have done more than
3 simply filed.

4 11 U.S.C. §109(g) is applicable in that each of the prior filings the matters were
5 dismissed because debtor failed to abide by orders of the court. In each case, he failed to file
6 necessary documents and to follow through with the bankruptcy. Debtor admits in his
7 response he did not comply and this shows intent to hinder or delay creditors. The ultimate
8 result of each delay was more fees and costs being added to the already filed liens. This did
9 not protect the asset but only caused more damage.

10 Debtor has now filed a new plan which still does not address all of the issues that
11 were presented to him at the July 17 hearing. It has been clear to him that he needs to
12 propose a plan that pays King County its money with interest over the life of the plan. He
13 also needs to pay West Green. West Green alone requires \$668.78 per month for arrears and
14 \$291.00 per month for ongoing assessments. The new plan only proposes \$700.00 total,
15 which is not even enough to pay West Green. This is relevant now because it does not
16 appear that Debtor has the funds to fulfill a plan. All this ultimately leads to more delay
17 caused to the secured creditors that continue to be affected by Debtor's actions.

18 **CONCLUSION**

19 Based upon these facts, the pending motions of Chapter 13 Trustee and King County
20 should be granted.

21 DATED this 14th day of August 2013.

22 HANIS IRVINE PROTHERO, PLLC

23 /s/ Brian J. Hanis
24 Brian J. Hanis, WSBA #35367
Attorney for West Green CHOA

25 Response to Motion to Dismiss - 2

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1 I, Brian J. Hanis, under penalty of perjury, declare that on the dates indicated below, I
2 caused a copy of the following documents to be served on the parties listed below via United
3 States First Class Mail and/or ECF:

4 West Green's Response

5 Via ECF on June 13, 2013:

6 VIA ECF ONLY:

7 K Michael Fitzgerald
600 University St #2200
Seattle, WA 98101
8 206-624-5124
courtmail@seattlech13.com
9 *Trustee*

10 Margaret A Pahl
King County Prosecutor's Office
11 516 3rd Ave Ste E550
Seattle, WA 98104-2312
12 206-296-9015
13 peggy.pahl@kingcounty.gov
Attorney for King County Treasury Operations

14 Via First Class Mail, postage prepaid, on June 13, 2013
15 Adam Luke Holland
418 S. 325th Pl #4
16 Federal Way, WA 98003
17 *Debtor*

18 I CERTIFY UNDER PENTALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF WASHINGTON THAT THE FOREGOING STATEMENT IS BOTH TRUE
19 AND CORRECT.

20 DATED this 14th day of August, 2013, at Kent, Washington.

21 HANIS IRVINE PROTHERO, PLLC

22 /s/ Brian J. Hanis
23 Brian J. Hanis, WSBA #35367
Attorney for West Green HOA

24
25 Response to Motion to Dismiss - 3

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